

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
GREEN BAY DIVISION**

NORA RODRIGUEZ,

Plaintiff,

Case No.: 1:22-cv-988

v.

WALMART, INC.,
WAL-MART STORES EAST, L.P.,
and
WAL-MART REAL ESTATE BUSINESS TRUST,

Defendants,

and

BLUE CROSS BLUE SHIELD OF WISCONSIN,

and

AMALGAMATED NATIONAL HEALTH FUND,

Involuntary Plaintiffs.

NOTICE OF REMOVAL

NOW COME Defendants Walmart, Inc., Wal-Mart Stores East, L.P., and Wal-Mart Real Estate Business Trust (“Defendants”), by and through their attorneys, MWH Law Group LLP, pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, and hereby remove the above-captioned cause of action from Winnebago County Circuit Court to the United States District Court for the Eastern District of Wisconsin – Green Bay Division.

In support thereof, Defendants state the following:

1. This action was originally filed by Plaintiff against Defendants on or about July 26, 2022, in Winnebago County Circuit Court, entitled *Nora Rodriguez v. Walmart, Inc., et al.* Pursuant to 28 U.S.C. § 1446(a), copies of the Original Summons and Complaint against Defendants are attached as **Exhibit No. 1**.

2. Personal service of the Original Summons and Complaint was served upon the Defendants' Registered Agent on or about July 27, 2022. A copy of the Service of Process Transmittal is attached as **Exhibit No. 2**.

3. This case may be removed from Winnebago County Circuit Court to the United States District Court for the Eastern District of Wisconsin – Green Bay Division, pursuant to 28 U.S.C. § 1332. The United States District Court has original jurisdiction over the litigation filed in state court based on the diversity of the parties.

4. This is a civil action in which Plaintiff Nora Rodriguez claims she is entitled to damages resulting from an incident at the Walmart grocery store located at 1351 South Washburn Street, Oshkosh, County of Winnebago, State of Wisconsin on or about August 22, 2020. Plaintiff is seeking damages stating that she allegedly suffered severe personal injuries, including injuries to her back and body as a whole, necessitating treatment by hospital and doctor, further resulting in loss of earning capacity, loss of enjoyment of life, incurring medical expenses, and continuing pain and suffering; further, she verily believes said injuries have left permanent residuals which will continue to cause her future medical expense and loss of her enjoyment of life. (**Exhibit 1, ¶ 12**). The amount in controversy exceeds the sum or value of \$75,000.00, exclusive of interests and costs.

5. Defendants have their principal places of business in Bentonville, Arkansas, and are deemed to be a citizen of both Delaware and Arkansas pursuant to 28 U.S.C. 1332(c)(1).

6. Plaintiff is a citizen and resident of Wisconsin.

7. The time for filing this notice of removal has not run because thirty (30) days have not expired since July 27, 2022, the date on which Defendants were personally served with the Original Summons and Complaint.

8. Counsel that has appeared on behalf of Plaintiff in the state court are:

George Curtis, SBN: 1008548
APEX ACCIDENT ATTORNEYS, LLC
3475 Omro Road, Suite 200
P.O. Box 2845
Oshkosh, WI 54903-2845
Telephone: (920) 233-1010

9. This Notice of Removal is being served upon Plaintiff's counsel by the state court's electronic document management system ("EDMS") and is being filed with the Clerk of Winnebago County Circuit Court.

WHEREFORE, Defendants Walmart, Inc., Wal-Mart Stores East, L.P., and Wal-Mart Real Estate Business Trust give notice that the above-captioned action now pending against it in Winnebago County Circuit Court is being removed therefrom to the United States District Court for the Eastern District of Wisconsin – Green Bay Division.

Dated August 26, 2022.

MWH LAW GROUP LLP

Attorneys for Defendants Walmart, Inc., Wal-Mart Stores East, L.P., and Wal-Mart Real Estate Business Trust

By: /s/ Electronically signed by Lynette K. Fons

Mercedes de la Rosa SBN: 1107949

735 North Water Street, Suite 610

Milwaukee, WI 53202

Telephone: (414) 436-0353

Facsimile: (414) 436-0354

lynette.fons@mwhlawgroup.com

mercedes.delarosa@mwhlawgroup.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on August 26, 2022, a copy of this document was served upon all parties in the above cause by the **Mail & (“EDMS”)**, which will send notification of such filing to all attorneys of record.

Attorneys for Plaintiff, Nora Rodriguez

George Curtis

APEX ACCIDENT ATTORNEYS, LLC

3475 Omro Road, Suite 200

P.O. Box 2845

Oshkosh, WI 54903-2845

/s/ Brooke Klingbeil